



Mr Paul Freeman
Acting Team Leader Resources & Environment
Department of Planning & Infrastructure
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Dear Mr Freeman

Proposed modifications to Stage 1 and Stage 2 of the Moolarben Coal Project

I refer to your recent request for NSW Trade & Investment, Division of Resources and Energy (DRE) to review and provide comments on the proposed modifications to Stage 1 and Stage 2 of the Moolarben Coal Project. It is understood the proposed modifications involve:

- backfilling the Stage 1 OC1 pit northern void;
- changing the location of the approved Stage 2 haul road, with associated adjustments to the site water management system; and
- refining the Stage 2 OC4 pit mining schedule and the layout of the OC4 pit temporary infrastructure area.

DRE has reviewed the proposal and notes the most significant change is the absence of a final extraction void in the final landform at the northern end of OC1. In addition, a change in location of the haul road connecting OC4 to OC1 would, if approved, result in a significantly smaller disturbance footprint.

DRE considers the backfilling of the existing approved final void in the northern end of OC1 is a positive outcome as it would result in a larger area with beneficial land use potential upon mine closure. Similarly, the realignment of the OC1-OC4 haul road provides both operational efficiencies and a reduced disturbance footprint.

If the modification is approved by DP&I and before they are implemented, the proponent will be required to resubmit a Mining Operations Plan or seek a revision to the existing approved plan.

DRE recommends that the following conditions be incorporated into the planning approval, if granted:

1. Rehabilitation Objectives and Commitments

The Proponent shall rehabilitate the site to the satisfaction of the Director, Environmental Sustainability in the DRE.

Rehabilitation must be substantially consistent with the Rehabilitation Objectives described in the EA, the Statement of Commitments and the following objectives

Rehabilitation Feature	Objective
Mine site (as a whole of the disturbed land and water)	Safe, stable and non-polluting, fit for the purpose of the intended post-mining land use(s).
Rehabilitation materials	Materials (including topsoils, substrates and seeds of the disturbed areas) are recovered, appropriately managed and used effectively as resources in the rehabilitation.
Landforms	Final landforms sustain the intended land use for the post-mining domain(s). Final landforms are consistent with and complement the topography of the surrounding region to minimise the visual prominence of the final landforms in the post mining landscape. Final landforms incorporate design relief patterns and principles for consistent with natural drainage.
Water Quality	Water retained on site is fit for the intended land use(s) for the post-mining domain(s). Water discharged from site is consistent with the baseline ecological, hydrological and geomorphic conditions of the creeks prior to mining disturbance. Water management is consistent with the regional catchment management strategy.
Native flora and fauna habitat and corridors	Size, locations and species of native tree lots and corridors are established to sustain biodiversity habitats. Species are selected that re-establishes and complements regional and local biodiversity. The Native Vegetation Belt / Fauna Corridor links with the existing vegetation along Waukivory Creek.
Post-mining agricultural pursuits	The land capability classification for the relevant nominated agricultural pursuit for each domain is established and self-sustaining within 5 years of land use establishment (first planting of vegetation.)

2. Progressive Rehabilitation

The proponent shall carry out all surface disturbing activities (eg pre-stripping in advance of mining operations) in a manner that, as far is reasonably practicable, minimises potential for dust emissions and shall carry out rehabilitation of disturbed areas progressively, as soon as reasonably practicable, to the satisfaction of the Director Environmental Sustainability in DRE.

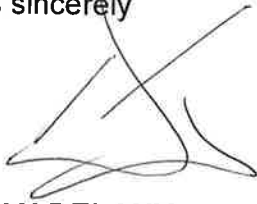
3 Rehabilitation Plan

1. The Proponent must prepare and implement a Rehabilitation Plan to the satisfaction of the Director Environmental Sustainability of the DRE.
2. Rehabilitation Plan must:
 - a. be submitted and approved by the Director Environmental Sustainability prior to carrying out any surface disturbing activities of the development, unless otherwise agreed by the Director General;
 - b. be prepared in accordance with DRE guidelines and in consultation with the Department, OEH, EPA, NOW, Council and the CCC;
 - c. incorporate and be consistent with the rehabilitation objectives in the EA, the statement of commitments and Table zz;
 - d. integrate and build on, to the maximum extent practicable, the other management plans required under this approval; and,

- e. address all aspects of mine closure and rehabilitation, including post mining land use domains, rehabilitation objectives, completion criteria and rehabilitation monitoring and management.

Should you have any enquires regarding this matter please contact me on (02) 4931 6437.

Yours sincerely

A handwritten signature in black ink, appearing to read 'ADRIAN DELANY', written over a light blue horizontal line.

**ADRIAN DELANY
ACTING DIRECTOR
INDUSTRY COORDINATION**

11.6.15